

## King-Hackney, Ashadee

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**From:** Manville, Jennifer  
**Sent:** Monday, December 07, 2015 11:44 AM  
**To:** Manville, Jennifer  
**Subject:** Fw: L'Anse Warden Electric Company  
**Attachments:** KBIC Swartzletter.Jan2012 L Anse Warden Electric Co 03 20 12 v4.doc; Brief L'Anse Warden Electric Company and TES MAR 7 2012.docx

----- Forwarded by Jennifer Manville/R5/USEPA/US on 12/07/2015 12:44 PM -----

From: Jennifer Manville/R5/USEPA/US  
To: Brianc Bell/R5/USEPA/US@EPA,  
Cc: Jeremy Deyoe/R5/USEPA/US@EPA, Kestutis Ambutas/R5/USEPA/US@EPA  
Date: 04/25/2012 03:17 PM  
Subject: Re: L'Anse Warden Electric Company

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Hello Brian,

The draft letter was not finalized. It was my understanding from the RA's office that the letter would be revised once Region 5 ARD and WD completed inspections at the facility. Has the WD inspection been completed and is there a write-up on our findings?

Attached below is the last draft of the letter that I submitted to the RA's office. It would be helpful if WD could insert a summary of our visit and findings.

Thanks,

Jenny

*(See attached file: KBIC Swartzletter.Jan2012 L Anse Warden Electric Co 03 20 12 v4.doc)*

Jennifer Manville, Tribal Liaison  
U.S. EPA Region 5  
Indian Environmental Office  
400 Boardman Avenue  
Traverse City, MI 49684  
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▼ L'Anse Warden Electric Company

### L'Anse Warden Electric Company

**Brianc  
Bell**

to: Jeremy Deyoe

04/23/2012

Cc: Jennifer Manville

From: Brian Bell/R5/USEPA/US

To: Jeremy Deyoe/R5/USEPA/US@EPA

Cc: Jennifer Manville/R5/USEPA/US@EPA

Jeremy,

I am attaching a copy of my latest briefing on L'Anse waden. There was a draft letter circulating for the RA's signature in late March but I don't have the draft or final letter.

Jennifer - if you have a copy, could you please send to both of us?

Brian Bell  
Regional Storm Water Coordinator  
U.S. EPA Region 5  
Ph: 312-886-0981

FAX: 312-692-2029(See attached file: *Brief L'Anse Warden Electric Company and TES MAR 7 2012.docx*)

## **L'Anse Warden Fuel Aggregate and Electric Company**

**Issue:** The Keweenaw Bay Indian Community is concerned about the potential for contamination from precipitation runoff through railroad ties that are stored at L'Anse Warden Fuel Aggregate.

### **Background:**

L'Anse Warden Electric Company bought a power plant and converted it from a coal, oil, and natural gas power plant to a biomass plant. Norman Pestka Construction Company provides railroad ties and CertainTeed provides scrap to Warden as biomass for the power plant. L'Anse Warden supplies excess steam to CertainTeed for use in production of mineral fiber ceiling tiles. L'Anse Warden Fuel Aggregate stockpiles the ties on land leased from CertainTeed. They have been operating since 2008. They use a wood chipper to convert the ties and scraps to an aggregate. They store the aggregate in a barn prior to transport to the power plant. According to MDEQ staff, there is no barge-loading facility at this site. Wood is delivered by truck and rail.

### **NPDES Permit and Compliance:**

The L'Anse Warden Electric Company is authorized to discharge wastewater and storm water from the power plant under an NPDES individual permit. Because this facility is not contiguous to the power plant, it must have a separate authorization to discharge storm water associated with industrial activity. The operator is responsible for applying for permit coverage. The facility has a storm water pollution prevention plan and claims they submitted a Notice of Intent (NOI) for coverage under one of the State's industrial storm water general permits in 2008. However, MDEQ has no record of the NOI. The facility submitted an NOI on February 8, 2011. MDEQ is processing the NOI. Processing has been delayed due to staffing issues. The State resumed processing NOIs for storm water general permits in late February.

MDEQ inspected the site in March 2011. They found the storm water controls to be satisfactory. They did not find evidence of erosion. The inspection did not assess compliance with the general permit because the facility does not have discharge authorization under the permit.

After it receives authorization to discharge storm water, the L'Anse Warden Fuel Aggregate site will have adequate controls in place to address Keweenaw's concerns.

## **TES Filer City Station and Packaging Corporation of America**

**Issue:** The Little River Band of Ottawa Indians is concerned about the potential impacts to Manistee Lake from storm water runoff through coal piles and wind-blown coal dust. Manistee Lake is an important cultural and subsistence resource. The Band's historical reservation bisects the northern portion of the lake.

### **NPDES Permits and Compliance:**

TES Filer City is an electric power plant. Coal for the plant is located on property owned by the Packaging Corporation of America (PCA). TES discharges storm water from its property and transports non-contact cooling water to PCA and ultimately Lake Manistee. The storm water discharges are authorized under an NPDES general permit. The permit includes non-numeric effluent limitations (i.e., no unnatural turbidity, foam, suspended solids, etc.) and the requirement to develop and implement a storm water pollution prevention plan (SWPPP). MDEQ plans to inspect TES this fiscal year. According to MDEQ staff, available information indicates that TES is in compliance with its permit.

The discharge of non-contact cooling water, as well as any discharges from the coal pile, are authorized under PCA's NPDES permit. The permit includes effluent limitations for flow, temperature, total residual oxidant (TRO), TRO discharge time, and pH. It requires implementation of a SWPPP. The permit does not include the numeric effluent limitation for coal pile runoff in 40 C.F.R. § 423.12. The limit is not applicable to any untreated overflow from facilities designed, constructed and operated to treat coal pile runoff associated with a 10-year, 24-hour precipitation event. The coal pile is located in a large depression and enclosed by an earthen berm designed to prevent discharges to Manistee Lake. Based on the design of the berm, the effluent limit is not applicable to discharges of coal pile runoff from the PCA site. MDEQ staff reviewed PCA's SWPPP. The SWPPP addresses the coal pile. It requires regular inspection and maintenance of the berm.

Fishermen frequent the part of the lake that is near PCA. MDEQ has not received complaints about coal pile runoff discharges. According to MDEQ staff, the area experienced major precipitation events in June 2008. A seven-inch event occurred on June 13. A five-inch event occurred two week prior. MDEQ staff believe there may have been a discharge on that date but are not certain because of local hillside erosion. The recurrence interval for these events is 100 years or more.

The Little River Band also mentioned a coal pile owned by the Morton Salt Company. MDEQ staff plan to inspect Morton Salt on March 13.